

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

AARON TATONE,
Plaintiff,

Civ. No. 11-1862 (MJD/JSM)

ORDER

v.

SUNTRUST MORTGAGE, INC.,
NATIONSTAR MORTGAGE, LLC. et.al.

The above matter came on before the Court on the Report and Recommendation of United States Magistrate Judge Janie S. Mayeron, dated February 13, 2012. No objections have been filed to that Report and Recommendation in the time period permitted.

Based on the Report and Recommendation of the Magistrate Judge, upon all the files, records and proceedings herein, the Court now makes and enters the following Order.

IT IS HEREBY ORDERED that:

1. Defendant Nationstar Mortgage, LLC's Motion to Dismiss with Prejudice or in the Alternative for Summary Judgment [Docket No. 2] is GRANTED and all claims against Nationstar are hereby dismissed with prejudice.

2. Defendant SunTrust Mortgage, Inc.'s Motion to Dismiss with Prejudice [Docket No. 4] is GRANTED in part and denied in part as follows:

a. Counts One through Six and Eight through Twelve are hereby dismissed with prejudice;

b. Count Seven (fraud) is hereby dismissed with prejudice to the extent the plaintiff has pled "fraud in the factum;"

c. Count Seven (common law fraud) is dismissed without prejudice.

3. All claims against Assured Mortgage Group LLC (a/k/a Anchor Home Finance, LLC), Burton Joseph, Investment Property Advisors, Inc., Brandon Flavin and Real Source Title, LLC are hereby dismissed without prejudice.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: March 7, 2012

s/Michael J. Davis
Michael J. Davis
Chief Judge
United States District Court